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OFFICE OF PETITIONS

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MCALLEN, TX 78539

In re Application of
Heinrich Roltz, et al.
Application No. 09/882,703
Filed: June 14, 2001
Attorney Docket No.: None

ON PETITION

This is a decision on the renewed petition, filed June 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

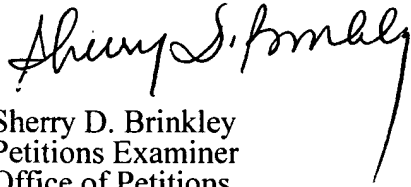
The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 12, 2005. A petition under the provisions of 37 CFR 1.137(b) was filed on November 13, 2009; however, the petition was dismissed in a decision mailed February 3, 2010. The petitioner was renewed on February 24, 2010, but was subsequently dismissed by a decision mailed May 3, 2010. On June 29, 2010, the present petition was filed.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

The petition is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2821 for consideration of the response filed November 13, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long, sweeping vertical line extending downwards from the end of the name.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions